L.R

(1896-97)

94-96-97
1h 20

Sub:- Appeal of Ranga regarding his claim to the Patel's office of Gettanahalli Tumkur District

7·49 98

G. R. S. IX-5]

Previous references. 1896-97.

192 .

( )

File No 94-96.

Serial Nos. 1-20.

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-20

In ~~Part~~ B for May 1899.

SUBJECT.

Appeal of Ranga regarding his claim to the Patel office of Yettanahalli, Tumkur Taluk.

The petitioner has no real grievance. His fancied grievance arose when the Asstt Commr order making the petitioner a kissadar and gumasta (a point upon which he was not called upon to adjudicate as the petitioner was not made a plaintiff in the suit before him) was cancelled by the Dy Commr as technically indefensible. There is nothing to prevent the petitioner from bringing a regular suit now. As regards the Gumastaship, the petitioner is already doing the duties of a gumasta and the Deputy Commissioner

Continued

Pet[r] No 2839

[illegible] that the Ass[t] Comm[r] had no power to adjudicate on appointments & gumastaships in a regular Suit

The fact that the part of the original court decree relating to pet[r] being made gumasta was cancelled does not show that pet[r] has been removed from his gumastaship.

Pet[r] was made gumasta by an executive order of the D[t] Comm[r] (para 4 of Judgment in appeal No 4 in the Dy Comm[r]'s file) & only a similar order can remove pet[r] from his gumastaship.

That order not being before Govt, the appeal relating to gumastaships is not adjudicable

Sd/- D 2nd Comm[r]

Pd 6 P.M
7-4-97

Draft to
M 13/4/97

M 6/4/97

[illegible]

[illegible]

Call for a report
10/4/97

Before the Government of Mysore.

Appeal No. 104 of 1896-97.

Appellant.	Vs.	Respondent.
Ranga, son of Timi Raja		(1) Ranga (2) Timma Gowda } minors (3) Mudde Gowda by guardian & mother Timmakka

Both parties served
5-7-97.

Appt & Respts 1 & 2 & their guardian present.
(Appellant's claim) Da received.
heir to the Estate

5/7/97

The genealogical tree appended in the margin - shows the relationship of the parties. It is now admitted that Akkamma widow of Rangappa who was registered as Pakeel in 1872 when Mudde Gowda died was not the proper successor. The proceedings to find out the heir of the last holder Mudde Gowda purely as a question of Hindu Law & to enter the same in the Mokhpahan necessitated by the fact

Mayi Mudde Gowda
- Sanga Gowda
  - Thimma Gowda
    - Thimma Gowda
      - Rangappa
        - Ranga (Respondents)
        - Timma Gowda (Respondents)
        - Mudde Gowda (Respondents)
  - Rangamma married Akkamma (widow)
  - Mudde Gowda (Last holder)
- Chikkanna
  - Timmaiah
    - Ranga (appellant)
    - Deya.

that the office in question is undivisible.

When Nanjunda Gowda, the last holder, died intestate leaving many issue & his nearest relations & legal heirs were Ranganna, father of respondents & Ranga the appellant with equal claims, if the property in question was ordinary. But as the office is undivisible, Ranganna, as belonging to the senior branch would have preferential claims & if this is admitted, the right to the office vested in Ranganna at the time of Lauka Gowda's death, on the principle that the right of succession is never in abeyance.

It is clear from the Dy Comm's Report that Ranganna, father of respondents asserted his claims at the time holding soon after his claims were not enquired into. The order appointing Akkamma was neither on a formal nor a summary enquiry. The appellant made a long report & the Dy Comm simply said "do so" (Order dated) (Record pg 7) (in the record of the Asst Comm's Court)

If the Deed be considered to be one for recovery of the office with possession, Ranganna in 1892 out of wh Akkamma was placed in wrongful possession, the respondents, who brought them suit on 29/2/96 (the Dy Comm's order is dated 21/7/92), clearly the Law brought it within the period of limitation ie 12 years. The limitation of one year provided in the art 14 does not seem to apply as the applies only to cases not

↑ Heads of succession to the office of Gowda
(1) widow (2) mother (3) father (4) brother (5) nephew (6) grandfather (7) paternal uncle & his descendants
(under the Malabar law)
hm

otherwise provided for

= [The application of the English doctrine
of vested right to the Hindu law-
of succession was made by the
Privy Council in Chandrabullee's
Case & the doctrine is now accepted
by the British Courts. I am not
aware of this decision has been
accepted by the different Courts.
of Rangama, Patter of respondents
Gowda, Appellant's right, has died before Mayne
beyond doubt, be recognised under
this doctrine].

Rd 7.10 Pm Sub'd to 2nd Councillor
8/7/97 8/7/97

For the performance of the duties of [illegible] during the 2nd deft's minority, the superior claims are equally entitled to consideration.

[initial]

16/9/97

Note.

[illegible] was the last male holder of the office in question. He died in 18[illegible]. It is true that [illegible] widows are entitled to inherit. In this case however [illegible] [illegible] widow [illegible] was his brother's widow. As such she [illegible] the line of heirs [illegible] becomes therefore [illegible].

[illegible] widows [illegible] the [illegible] the former [illegible] of the senior branch of the family has better right to succeed to the office of [illegible] than the latter.

[illegible] the right of succession under the Hindu Law is a right which vests immediately on the death of the owner of the property. It cannot under any circumstances remain in abeyance ...." (Mayne's Hindu Law 5th Edition Para 458)

Assuming that the right to succeed to a hereditary office is regulated by the same principles as

I do not think that by the words "sonless widows" [illegible] is meant only the widow of the last holder [illegible]. It is intended — sonless widows may be [illegible] of all heirs & [illegible] the appt of the 1st Deft is quite legal & valid — Hence reasoning [illegible] the same, & the conclusion in favour of the 2nd Deft becomes inevitable. I do not see any authority for preferring [illegible] primogeniture and that question does not arise —

[initials]

16.9.97

Suppose [illegible] for [illegible] is more liberal [illegible]

There is no such [illegible] in the Rule [illegible] to. Therefore it is better to interpret the rule liberally.

[initials]

18.9.97

Now that question
might be raised whether
it is evident that the Patent
in question became vested
in the Said Luther Rawlins
immediately on the death
of Lewis Gouda. Having
then vested in him, the
Revolution of the Trust
became terminated from
him - and the Estate
of the Said Lewis
Gouda the Patentee
vested fee. No the
Office does mean that
Lewis Gouda, his
Heirs or Assigns
Clear that their father
Mean not so. In this
view they present claim
seems entitled to Warrant.

Now the Statute
Provides in Section
the 2d that for
his own claim &
the Office understood.
But the question is to the
he has relinquished
that claim. In my humble
Opinion he has not.

The 2d Clause is undoubtedly
a Proviso - I cannot see
why the Decree in this
Case should not contain
a Direction that he be
Reinstated as Trustee. In

for the performance of duties of a fatel during
the IInd plaintiff's minority. The lissedars claims
are certainly entitled to consideration
as Shirastadar

6.9.97.

I do not think that by the words "
Soniless widows" in the rule only the widow
of the last holder is intended. Soniless widows
may be of all heirs and thus the appointment
of the 1st Defendant is quite legal and valid
Hence our reasoning is the same and the
Conclusion in favour of the second de-
fendant becomes inevitable. I do not
see any authority for preferring the lineal
primogeniture and that question does not
arise

[illegible] P.M.K

6.9.97

Continued

Typed Draft
21.9.97

22-9-97
Draft approved
M 22/9/97

Rec'd
23/9/97

Sd. this
Letter Chief Office
forbidden to Their
Heirs
18-9-97 allright
21.9.97

Sd. 2nd Councillor
M 21/9/97

Ch. Sec.
21.9.97

for the widow
(appellant)
who was sued
as the 7th Def.

In the Matter of the Estate of Samba Sowden deceased Muddyowda

In the matter of the estate of Samba Sowden deceased late of Muddyowda in the East Province. When he died leaving no issue the succession devolved upon his heirs' widow & who were eligible as under clause (b) of para 5 of Sec XLIII of the Land Revenue Rules the eligibility of females to claim for such succession is admitted The hamper of the eligibility in her name was not wrong and the petition said whom was presented by Ranganna father of the Defs does not affect the Ranganna appellant

The Defs close while this suit against the widow and then attempted to substitute Def 1 who was being kept on record by the Defs

was appointed her Sommath

The Defs close while this suit against the widow to contest her right and brought the second Def who is the appellant here

Govt also on record.

The 1st Defts admitted the Pltffs right, but the 2nd Deft set up his own. He was not bound by the Judgt and on the ground that he had not brought a suit himself and that he could not be allowed to establish his claim in a suit brought by the Pltffs. The 2nd Defts appeal before us is to contest this new phase of the case.

The proceeding of the Judge was wholly erroneous. The 2nd Deft was in possession of the land right. The 1st Deft for & on account of whom he was holding it admitted that he had no right title. The question of suspicion is one of law and not dependant upon the opinion of the Judge. Upon the consent decree in favor of the Pltffs the right of the 2nd Deft to appeal the right of the Pltffs to succeed in preference to him who was in possession & claiming and the question at issue between them was whether the Pltffs were entitled to oust the 2nd Deft from his

possession of the land until
unless the 1st & 2nd Defts could show
a stronger right than that
the 2nd Defts they would not
be entitled to a decree. The
learned Judge appears to have
thought that the
1st & 2nd Defts could not obtain any
relief until the right had been
adjudicated in favour of
the real parties to the suit
were therefore the 1st & the
2nd Defts and the real matter
in issue between them
was, as between them, who
was the nearer heir —
It is not necessary that to
obtain that adjudication
the 2nd Defts should file another
suit and formally such
a course would be fatal
to this case under the rules
of res judicata.

It is possible that the
appellant's contention on the
ground that at the best he
is only a reversioner and
is not entitled to the right
during the life time of
Akkamma the first Defts.
But she has surrendered

her right with Offo and this conduct of hers is highly detrimental to the 2nd Defs' interest - There can be no doubt that under the circs he is entitled to ask for a declaration of his right, and in this new also the question whether the Offo are of the Sapinda and the preferential right is relevant to this suit and is a necessary point for in-vestigation and decision in it.

Taking Akkamma as the last holder it is clear that upon her death the succession devolves upon her predecessor's heirs. This is Muddegowda, and in the absence of descendants the line of ascends. Father Samboogowda's descendants have been exhausted, and the line ascends with Akkamma to father Nagi Muddegowda. and "descends this time to the third degree — that is way so far as the issue of each ancestor are his sapindas they are also the Sapindas of the owners with whom they are connected

2)

with the ancestor" (Mayne's Hindu Law & Usage 6 33. Ed. 529). Art. 529). Nothing in the nature of law a reference with genealogical tree shows that the 2nd Defdt is senior of two grandmiddlewoods in the third degree with the Pltfs are removed a degree further and are excluded from the benefit altogether. As between the Pltfs and the 2nd Defdt therefore the former have no right whatever whatsoever the latter, and their suit must therefore be dismissed -

The result is that the Dy Comrs order is reversed, and if practicable directed that the rightful remain in the name of the 1st Defendant her life time, and the 2nd Defdt declared her after her death as against the Pltfs -

Decd.

14.9.97

To Abdul Rahim Esq
Jr

16.9.97

14.9.97

H.C.

There are no grounds
for this review. Mr
Hayes was permitted to
argue his application
and he did not show
any grounds why the
can - this application
dismissed.

28/2/96

Before the Government of Mysore.

Petition ~~Appeal~~ No. 1221 of 1897-98

~~Appellant.~~ Vs. ~~Respondent.~~

Petitioners.

1. Range Gauda
2. Timme Gauda
3. Mudde Gauda.

Minors, by guardian and mother Timmakka

Application for Reconsideration of the order of Govt of 22nd October 1897, regarding the Patel of Mettinhalli, Tumkur Taluk.

---

(1) Assistant Secretary's memo.
(2) Original order
(3) Secretary's note with the Council's orders thereon.
(4) Govt Proc. No. 3727-34 / Rev. 5-30 of 22nd October 1897
(5) Do printed copy.
(6) Review application.

No 1094

Respt's 1st Counsel

Yes, the 2nd appl. dressing after the hearing on July

1897 17/11/99.

10470

If 2. 5th dent. Lapse

Just his heir a legal representative should have been joined on the record when decision was passed. The fact of death was previously unknown at the time the just was passed. Even that the (2nd) is about who are his heirs, I suggest that it is a right thing attention to pass to settle matters among

17.1.99

Docket

P.T.O.

18.1.99

MD 194.99

20/1/99

Received in Person
Appeal Petition

S.T. Vide T. & R. 89-96-1

22/3/97

(1) 1897

No.	2839
Name of Petitioner	Rama s/o Sankanna
Village	Yettinahalli
Taluk	Tumkur
District	Tumkur
Date of Arzi	22-3-97
Date of Receipt	22-3-97
Date of Disposal	
No. of Enclosure	4

Petr. prays that the Judgment of the Court of 1st instance within 15 days & that no notice can be taken of his appeal till then.

M 29/3/97

Petr. not present

New Petn. Appeal

M 24/4/97

ABSTRACT.

Appeal against the decision in case no. 2 of 1895-96 on the file of the Sub-Court, Tumkur, Petitioner in case no. 21 and R. 1896 & the 2nd Respt. in case under appeal produced herewith. The two latter are submitted for final disposal.

Relief asked urgent hearing.

(1) The Lower Court have not considered the merits of the suit.

(2) The judgment was rejected by the Court and the Petitioner having been heard the Respondent (1st Respondent) and the Respondent (2nd Respondent) and the Lower Court have not examined the witnesses & Petitioner, and it appears to me and that the Petitioner was deprived of his land, that hence looking upon the Lower Court

1) Stamp sufficient
2) In time
3) Appeal against Dy. Comr's order
Evidence in Appeal cases no. 47 but
on the same subject
4) Original case

Petr. has no real grievance. His fancies grievance arose when the 4th Respt. Comptroller made application to the Deputy Commissioner against Petr. to the Village Panchayat (of which he was a member) to cancel the Patta granted to Petr. Technically indefensible. Petr. is a member of the Panchayat & brought appellate order from Dy. Comr. Petr. has no real grievance against 4th Respt. Comptroller who merely applied to the Panchayat to cancel the Patta granted to Petr. as the duties of Gumastha paid the Village

The fact that the Sale during was not being discharged by members of the Eldest branch alone is manifest from the previous circumstances of the case, the decision of the Lower Court that the Pet's name should be registered apart from the previous holders of the office.

(4) While the appt is granted to the Govt is case the holder of the office for the time being dies intestate, there is no rule or custom restricting the appointment to be held by the Eldest branch only.

(5) The Lower Court's decision that the Examination granted claim to the office was not necessary, that Pet should file a separate suit for the establishment of his claim and that the points that are in favour of the Pet in the decision of the Lower Court should be cancelled is opposed to all Law, Justice and Procedure.

(6) It is also evident that the suit has been filed out of time bid by the Limitation and 1st Defts.

(7) Even if the Lower Court decision should be confirmed the appeal by Govt of the Pet as Govt ought not be cancelled.

(8) The decision of the Lower Court is opposed to Law, Justice & Procedure.

(9) Pet therefore humbly prays that the Govt may be pleased to peruse all the records available in the Lower Court and pass an order that the Order appealed should be confirmed with him.

The petitioner humbly prays that he will admit the Judgment of the Lower Court and the decree in 30 or 60 days.

Enclosures — (1) Judgment of the Lower Court in favour of the Pet setting aside the recognition of the Pet as successor to the office as prayed.

(2) Judgment of the Lower Court setting aside the appeal of Pet.

(3) and (4) Decrees framed accordingly.

24/3/97

2839

Received in Petition
Nithanthadevi
M 22/3/97

GOVERNMENT OF MYSORE
10
TEN RUPEES
MYSORE COURT FEE

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT.
REG'D. No. 2839 R
DATE 22-3-97

4. [illegible]

5- [illegible]

6- [illegible]

7 [illegible]

8- [illegible]

9- [illegible]

[illegible]

side order
petn 2.3.87 & 26.3.87

LR 89-96-2

(2)

1897

No. 308-2

Name of Petitioner Ramu

Village Yellenahally

Taluk Sunkam

District Tumkur

Date of Arzi 31-3-87

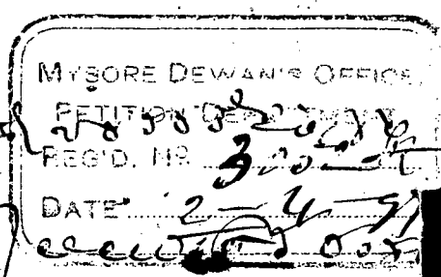
Date of Receipt 2-4-87

Date of Disposal

No. of Enclosure Nil

ABSTRACT.

In continuation of his previous petn of 22.3.87 praying the order in the suit case, Sunkam Dh and pray for other reliefs appeal as in petn


MYSORE DEWAN'S OFFICE
PETITION
REG'D. NO.
DATE

Pet 1560 2 Encls 208-20028 21-4-97

N.S. No. 104.3/96

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT. (3)

P.R. 86 1896-3

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. 2853 and 2852 dated 22-3-97

received at the Dewan's Office from

Rangaswamy Gowda Ramappa Gowda

of Yellenahally, Gowribidanur Taluk

appealing against the order in Miscellaneous Case No. 7 of 1895-96

in the matter of the Patel office

of the Yellenahally village

is forwarded, together with three and two enclosures, to the Deputy Commissioner of the Tumkur District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned

By order,

Rajah RC 19/4/97

BANGALORE, 19/4/1897

~~Chief~~ Secretary. asst

M.G.C.P.B.—25-4-95—1,000

send with reference to the order
to dismiss Pet. dated 30.3.97
29/4/97

C.R. 89-96-4

The appellant's judgment dated
dismissed the appellant (the 2nd defendant)
in the present case with costs
and that the appellant was
held to be a lessee on the
strength of Exh. B (Statement of
1st defendant before arbitrator)
From this exhibit, as rightly
by the D.C. court, no title as the
deceased was not taken by the
appellant & Sec. 32 of the Evidence
Act does not apply as pointed
out before the civil court.
Moreover the 1st court has
strongly opined the provisions
of the Civil Procedure Code as
regards the joining of the plaintiffs
(Sec. 26 - 35) Plaintiff(s)
on the same facts as those by the 1st court
the 2nd defendant should have been
added as a plaintiff under Sec. 32
of the CP Code.
The case has not been ordered &
the printed only the records have
ordered & the learned

Sub Divl Officer

29/4/97

Recommended
a report - there
should not be
post in the usual
course
Bangalore
29.4.97

Rec. 29/4

(4)

From
The Deputy Commissioner
Kanara District.

To
The Secretary to the
Govt of Bombay Genl & Rev:
Department.

Dated 22nd April 1897.
Despatched 26th —"—
Received
General No. 875.
No.

Enclosure No. 87 Revenue file.
The official Memo No:
Rev 1560 dated 19th instant.

—"—

Submits the entire records
connected with the Patil
office of the Gattenahalli
village of the Sirsi Division
in Revenue Cases nos 4 & 7
of 1895-97 on the file of
this Court.

Petition 29-4-97

Rejected
AK
1/5

(143)

REVENUE DEPARTMENT
Gl. No. 743
Sr. No. 875
28 APR 97
DEWAN'S OFFICE

No 895
8 and 3 Encl: files

Deputy Coroner's Office,
Tsolikan District.
Dated 23rd September 11.

To
The Secretary to the
Government of Yukon,
Accounts & Revenue Departments.
Dawson.

Sir,

I am called for inquest
Official duties on the Bett--
tle of Indian Creek, Klondike River
and have with the enclosed records
Coroner's verdict Medical Officer
of the Yukon Territory Village of the
Indian Police Sick in Hospital
Coroner's Fees & Expenses
filed at this Court.

2. The enclosed received
with Official Vouchers for
the Coroner's Salary

I have the honor to be,
Your most obedient Servant
Tim Lucas
Deputy Coroner

2 Drafts (6)

LR 89-965

Proceedings of the Court of Enquiry.

Draft for approval
Hd 6 Secretary
ML 12/10/97

re 11/10/97
J Shree
ML 20/10/97

Read:—

(1) Petition of appeal No 104 of 1896-97, presented by Ranga (Rangappa) son of Gavi Ranga of Hattenhalli Jungle Taluk against the decree of the Deputy Commr of Tumkur in Revenue appeals Nos 4 and 7 of 1896-97 on the file of his court dismissing the appeal of Ranga and confirming the decree of the Extra Assistant Commr of the District in Revenue Suit No 8 of 1895-96, regarding the ~~[illegible]~~ Patel of Hattenhalli.

Plaintiffs
1. Ranga
2. Timmegauda
3. Muddegauda
minors, by guardian and mother, Timmakka

Defendants
1. Akkamma
2. Ranganna

(2) Records of the case received with letter No 875 dated 23rd April 1897, from the Deputy Commissioner, Tumkur District.

— n —

Order thereon. No 3727-34 / P.530

For the purpose of the 22.10.97 / 23

it is unnecessary to go beyond Samba Gauda's son, Middle Gauda, the last-holder. When he died leaving no issue, the succession devolved upon his brother's widow, Akkamma, as, under clause (b) of para 5 of Section XLIII of the Land Revenue Rules, the eligibility of female widows, whether of last-office-holders or of their heirs, for such succession is admitted. The transfer of the registry, in her name was not wrong, and the petition said to have been presented by Ranganna father of the Plaintiffs does not affect it. Ranganna appellant was appointed her guardian.

2 The

The Plaintiffs chose to file this suit against the widow to contest her right and brought the second Defendant who is the appellant before Court, also on record.

3. The 1st Defendant admitted the Plaintiffs' right, but the 2nd Defendant, self-styled his son. He was not heard by the Deputy Commr, on the ground that he had not brought a suit himself and that he could not be allowed to establish his claim in a suit brought by the Plaintiffs. The 2nd Defendant's appeal to Court is to contest this view of the case.

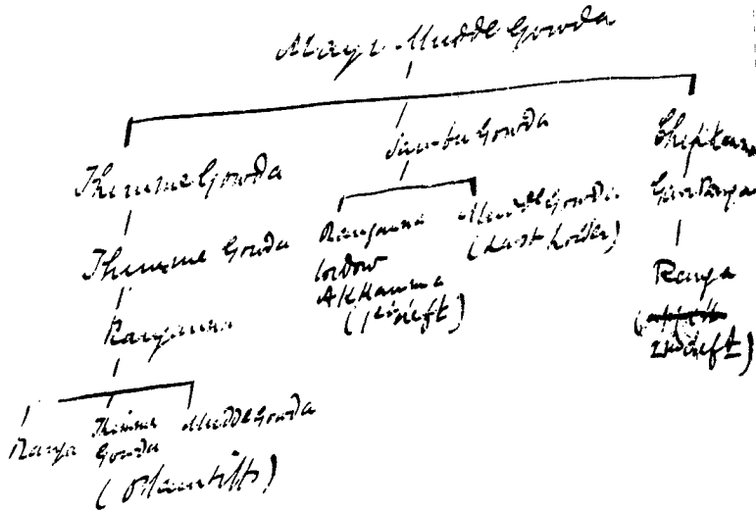
4. The proceedings of the misdirection by the Deputy

Deputy Commissioner to be
erroneous. The 2nd Defendant was
in possession of the right. The
1st Defendant, for and on account
of, whom he was holding it
admitted that she had no
right to it. The question of
succession is one of law and
not dependant upon her opi-
nion of it. Her consent to a
decree in favour of the Plaintiffs
right not to affect the 2nd Defts.
We disputed the right of the
Plaintiffs to succeed in preference
to himself who was in possession
and the question at issue between
them was whether the Plaintiffs
were entitled to oust the 2nd
Defendant from his possession
of

finvestigation and decision
in it.

6. Taking Akkamma as
the last holder it is clear
that upon her death the
succession devolves upon her
predecessor's heirs. She is
Middle Granda, and in the
absence of descendants, the
line of succession ascends.
Father Sambasjandra's descend-
ants have been excluded
with Akkamma and the
line ascends to the grand-
father Ajaji Middle Granda
and "descends to his issue to
the third degree, — that is
to Ajaji — so far as the issue
of each ancestor are his

Sapindas, they are also the Sapindas of the owner with whom they are connected with the ancestor" (Mayne's Hindu Law, 4th Edition 633, article 529) this being the view of the Law, a reference to the genealogical tree in the margin shows that the 2nd Defendant is more of Mayi Muddegowda in the 3rd degree, while the Plaintiffs are removed a degree further and are excluded from the heirship altogether. As between the Plaintiffs and the 2nd Defendant, therefore, the former have no right whatever to disturb the latter, and their suit must therefore



to the respellants contention
on the ground that, at most,
he is only a reversioner and
is not entitled to the right
during the life time of McCann,
the 1st defendant. But she has
surrendered her rights to the
plaintiffs and the conduct
of hers is highly detrimental
to the 2nd defendants interest.
There can be no doubt that
under the circumstances, he
is entitled to ask for a decla-
ration of his right, and in
this view also the question
whether the plaintiffs or the 2nd
defendant has the preferential
right is relevant to the
suit and is a necessary point
for

of the Public office. Indeed the Plaintiffs could show a stronger title than the 2nd Defendant they would not be entitled to a decree. The real parties to the suit were therefore the Plaintiffs and the 2nd Defendant and the real matter in issue between them was as between them, who was the nearer heir. ~~The real parties to the suit are~~ It is not necessary that to obtain this adjudication the 2nd Defendant should file another suit, and possibly such a course would be fatal to his case under the rules of res judicata.

5. It is possible to object

therefore be dismissed.

7. The result is that the Deputy Commissioner is reversed, and it is directed that the registry remain in the name of the 1st Defendant during her life time, and the 2nd Defendant declared their right after her death as against the Plaintiffs.

Draft
C.2,3 To be printed

J. Secretary.

To the Deputy Commr.
Lucknow District
with Record.
Deputy Commissioner's Office Sitapur

28/9/97.

Press copy sent 27/10/97
27/10

Typed
22-10-97

1897-98

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 22*nd October* 1897

No. 3727-34 / Pet. 530

Passing orders on the appeal of Ranga (Ranganna), son of Gaviranga, regarding the patèli of Hettenaballi, Tumkur taluk.

M.G.C.P.B.—11-11-97—120

READ :—

1. Petition of Appeal No. 104 of 1896-97, presented by Ranga (Ranganna), son of Gaviranga of Hettenahalli, Tumkur taluk, against the decrees of the Deputy Commissioner of Tumkur in Revenue Appeals Nos. 4 and 7 of 1896-97 on the file of his Court, dismissing the appeal of Ranga and modifying the decree of the Extra Assistant Commissioner of the district in Revenue Suit No. 8 of 1895-96, regarding the pateli of Hettenahalli.

Plaintiffs.	*versus.*	Defendants.
1. Ranga.		1. Akkamma.
2. Timmegauda,		2. Ranganna.
3. Muddegauda, minors by guardian and mother, Timmakka.		

2. Records of the case received with letter No. 375, dated 23rd April 1897, from the Deputy Commissioner, Tumkur district.

No. 3727-34—Pet. 530, DATED, BANGALORE, 22ND OCTOBER 1897.

ORDER THEREON.—For the purposes of this suit it is unnecessary to go beyond Sambugauda's son Muddegauda, the last holder. When he died leaving no issue, the succession devolved upon his brother's widow Akkamma, as, under clause (*b*) of para 5 of Section XLIII of the Land Revenue Rules, the eligibility of sonless widows, whether of last office-holders or of their heirs, for such succession is admitted. The transfer of the registry in her name was not wrong, and the petition said to have been presented by Ranganna, father of the plaintiffs, does not affect it. Ranganna, appellant, was appointed her gumasta.

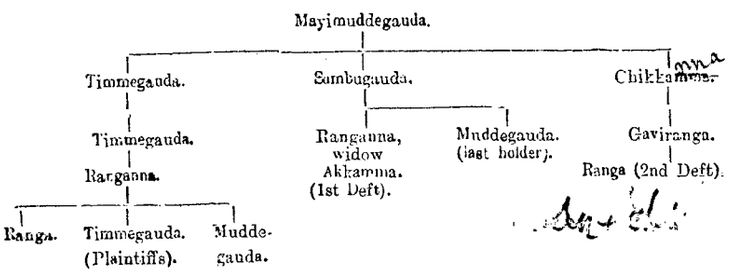
2. The plaintiffs chose to file this suit against the widow to contest her right and brought the second defendant who is the appellant before Government, also on record.

3. The first defendant admitted the plaintiffs' right, but the 2nd defendant set up his own title. He was not heard by the Deputy Commissioner, on the ground that he had not brought a suit himself and that he could not be allowed to establish his claim in a suit brought by the plaintiffs. The 2nd defendant's appeal to Government is to contest this view of the case.

4. The view taken by the Deputy Commissioner seems to be erroneous. The 2nd defendant was in possession of the right. The 1st defendant, for and on account of, whom he was holding it admitted that she had no right to it. The question of succession is one of law and not dependent upon her opinion of it. Her consent to a decree in favor of the plaintiffs ought not to affect the 2nd defendant. He disputed the right of the plaintiffs to succeed in preference to himself who was in possession, and the question at issue between them was whether the plaintiffs were entitled to oust the 2nd defendant from his possession of the pateli office. Unless the plaintiffs could show a stronger title than the 2nd defendant, they would not be entitled to a decree. The real parties to the suit were therefore the plaintiffs and the 2nd defendant, and the real matter in issue between them was, as between them, who was the nearer heir. It is not necessary that to obtain this adjudication the 2nd defendant should file another suit, and possibly such a course would be fatal to his case under the rules of *res judicata*.

5. It is possible to object to the appellants' contention on the ground that, at the best, he is only a reversioner and is not entitled to the right during the lifetime of Akkamma, the 1st defendant. But she has surrendered her right to the plaintiffs and this conduct of hers is highly detrimental to the 2nd defendant's interest. There can be no doubt that, under the circumstances, he is entitled to ask for a declaration of his right, and in this view also the question whether the plaintiffs or the 2nd defendant has the preferential right is relevant to this suit, and is a necessary point for investigation and decision on it.

6. Taking Akkamma as the last holder it is clear that upon her death the succession devolves upon her predecessor's heirs. This is Muddegauda, and in the absence of descendants, the line of succession ascends. Father Sambugauda's descendants have been exhausted with Akkamma and the line ascends to the grand-father Mayimuddegauda and "descends to his issue to the third degree—that is to say—so far as the issue of each ancestor are his sapindas, they are also the sapindas of the owner with whom they are connected with the ancestor," (Mayne's Hindu Law, 4th Edition, 633, Article 529). This being the view of the law, a reference to the Geneological tree in the margin, shows that the 2nd defendant is issue of Mayimuddegauda in the 3rd degree, while the plaintiffs are removed a degree further and are excluded from the heirship altogether. As between the plaintiffs and the 2nd defendant, therefore, the former have no right whatever to disturb the latter, and their suit must therefore be dismissed.



7. The result is that the Deputy Commissioner's order is reversed, and it is directed that the registry remain in the name of the 1st defendant during her lifetime, and the 2nd defendant declared heir after her death as against the plaintiffs.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Tumkur District, with records.
The Deputy Commissioners of other Districts.

Prtd.—H.A.S.

(5)

F.No. 89-96-b

[illegible]

[illegible] 1897 [illegible]

[illegible]

By order

Draft.

For Secretary.

[illegible]

[illegible] 20.10.97.

By order

S.C.

For Secretary

References 7-11-97

2539 Memo to Taluk Office proceedings No 3727-34 dt 22-10-97

Ref: petition

AK 28/11/97.

Enclosed.
This is an application for revision of the order in Appeal No 3727-34 dt 22-10-97 in Rev. Appeal No 530
Pl. Stamp affixed.
AK 28/11/97

1) Date line
2) Stamp affixed
3) Application for review of order dismissing the pet's suit
4) Council card

LR 80-96 1897 (7)

No. 1221.

Name of Petitioner 1. Rangegowda - (2) Timmegowda & (3) Muddegowda by guardian mother Timmakka

Village Etthenahalli

Taluk Tumkur

District

Date of Arzi

Date of Receipt 12 - 11 - '97

Date of Disposal

No. of Enclosure One

ABSTRACT.

Appts
1. Rangegowda.
2. Timmegowda.
3. Muddegowda.
minors by guardian mother Timmakka.

Respts:
1. Akkamma (Rangamadaiah)
2. Rangamma (since deceased)

Rev. Appeal No. of 1897-98.

This is an appln for the review of the Govt Proc. No 3727-34 dt 22-10-97 (Revn Suit).

Be 1 & 2 Council
M 24/11/97

The reason why the petitioner should be heard as alleged in the affidavit & the facts & circumstances stated in the petition

Brought up for postponement 1/12/97
MM 4/12/97
Posted to 20 Jan 98
AK 4/12/97

dismissing the suit and directing that the registry remain in the name of the 1st respondent during her lifetime, and the 2nd ~~defendant~~ respondent declared heir after her death as against the appellants.

The petitioners state

1 that the grounds assigned for determining the next heir and also for determining the rights of the appellants and the 2nd respondent are opposed to law and ~~facts~~ record;—

2 that the result at which the Courts have arrived after an inspection of the Genealogical trees, (approved of in the Lower Court) is that the 2nd respondent is the lawful Varadan is unlawful and in contravention ~~with~~ the Hindu Law;—

3 that the fact that the 2nd respdt. accepted the pleadi of Sivanadan to the 1st respdt. ~~was~~ is sufficient proof of the absence of his title to the pateli;—

4 that the assumption of the Court as to the 2nd respondent's rank in the "Sapindi Varga" is wrong, because he does not actually belong to that Varga;—

5 that under the said circumstances, the establishment of the title of the 2nd respdt. is unlawful, and opposed to the records and proceedings of the case.

Pray that the appellants' claim to the pateli may be established as against the claim of the 2nd respondent.

Counsel for petrs. requested to be reviewed.

16/11/97

By post rgd.
12-11-97
5 Rs. Stamp affixed.

ಸನ್ 1897-98ನೇ ಸಾಲಿನ ಮೈಸೂರು ಸಂಸ್ಥಾನದ
ಕೊಂಡಜ್ಜಿ ಪಟ್ಟಣದ ಶ್ರೀಮಾನ್ ದಿವಾನ್
ಸನ್ನಿಧಿಯವರಿಗೆ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿ

ಅರ್ಜಿದಾರರು — ಕೊಂಡಜ್ಜಿ ಪಟ್ಟಣದ ಸಾಹುಕಾರರಾದ
ಶಿವಲಿಂಗಪ್ಪನವರ ಮಗ ಚನ್ನಬಸಪ್ಪ

ಅರ್ಜಿಯ ಸಾರಾಂಶ — ಕೊಂಡಜ್ಜಿ ಪಟ್ಟಣದಲ್ಲಿ
ಸಾಹುಕಾರಿಕೆ ಮಾಡಿಕೊಂಡಿರುವ ಅರ್ಜಿದಾರರು
ತಮ್ಮ ಸಾಹುಕಾರಿಕೆಯ ಲೆಕ್ಕಪತ್ರಗಳನ್ನು
ಪರಿಶೀಲಿಸಿ ಅವುಗಳಿಗೆ ಸರ್ಕಾರದ
ಮುದ್ರೆಯನ್ನು ಒತ್ತಿಸಿಕೊಡಬೇಕೆಂದು
ಕೋರಿಕೊಂಡಿರುವುದು.

ಅರ್ಜಿಯ ಸಂಖ್ಯೆ 3727-34
ಕೊಂಡಜ್ಜಿ ಪಟ್ಟಣ - ಕೊಂಡಜ್ಜಿ ತಾಲ್ಲೂಕು ಕಚೇರಿ ಸೆಪ್ಟೆಂಬರ್ 1897

ಶ್ರೀ ಘನ

ಸಾಹುಕಾರಿಕೆ ಲೆಕ್ಕಪತ್ರಗಳನ್ನು ಪರಿಶೀಲಿಸಿ
ಅವುಗಳಿಗೆ ಸರ್ಕಾರದ ಮುದ್ರೆಯನ್ನು
ಒತ್ತಿಸಿಕೊಡಬೇಕೆಂದು ಕೋರಿಕೊಂಡಿರುವ
ಕೊಂಡಜ್ಜಿ ಪಟ್ಟಣದ ಸಾಹುಕಾರರಾದ
ಶಿವಲಿಂಗಪ್ಪನವರ ಮಗ ಚನ್ನಬಸಪ್ಪ
ಎಂಬುವವರ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದೆ.

ಅರ್ಜಿದಾರರು ಕೊಂಡಜ್ಜಿ ಪಟ್ಟಣದಲ್ಲಿ
ಸಾಹುಕಾರಿಕೆ ಮಾಡಿಕೊಂಡಿರುವವರು.
ಅವರು ತಮ್ಮ ಸಾಹುಕಾರಿಕೆಯ ಲೆಕ್ಕಪತ್ರಗಳನ್ನು
ಪರಿಶೀಲಿಸಿ ಅವುಗಳಿಗೆ ಸರ್ಕಾರದ
ಮುದ್ರೆಯನ್ನು ಒತ್ತಿಸಿಕೊಡಬೇಕೆಂದು
ಕೋರಿಕೊಂಡಿರುವ ಅರ್ಜಿಯನ್ನು
ಸಲ್ಲಿಸಿದ್ದಾರೆ. ಅರ್ಜಿಯ ಸಾರಾಂಶ
ಈ ಕೆಳಕಂಡಂತಿದೆ.

ಅರ್ಜಿಯ ಸಾರಾಂಶ — ಕೊಂಡಜ್ಜಿ ಪಟ್ಟಣದಲ್ಲಿ
ಸಾಹುಕಾರಿಕೆ ಮಾಡಿಕೊಂಡಿರುವ ಅರ್ಜಿದಾರರು
ತಮ್ಮ ಸಾಹುಕಾರಿಕೆಯ ಲೆಕ್ಕಪತ್ರಗಳನ್ನು
ಪರಿಶೀಲಿಸಿ ಅವುಗಳಿಗೆ ಸರ್ಕಾರದ
ಮುದ್ರೆಯನ್ನು ಒತ್ತಿಸಿಕೊಡಬೇಕೆಂದು
ಕೋರಿಕೊಂಡಿರುವುದು.

3. [illegible]

4 [illegible]

ಸಾಕಷ್ಟು ಪ್ರಮಾಣದಲ್ಲಿ ಸಿಗುತ್ತಿದ್ದವು. ಆದರೆ ಈಗ ಅವುಗಳ ಸಂಖ್ಯೆ ಕಡಿಮೆಯಾಗಿದೆ.
ಇದಕ್ಕೆ ಕಾರಣ ಅರಣ್ಯ ನಾಶ, ಅತಿಯಾದ ಬೇಟೆ ಮತ್ತು ಪರಿಸರ ಮಾಲಿನ್ಯ.
ಅರಣ್ಯ ನಾಶದಿಂದ ಅವುಗಳ ಆವಾಸಸ್ಥಾನಗಳು ನಾಶವಾಗುತ್ತಿವೆ.
ಅತಿಯಾದ ಬೇಟೆಯಿಂದ ಅವುಗಳ ಸಂತತಿ ಕಡಿಮೆಯಾಗುತ್ತಿದೆ.
ಪರಿಸರ ಮಾಲಿನ್ಯದಿಂದ ಅವುಗಳ ಆರೋಗ್ಯ ಹಾಳಾಗುತ್ತಿದೆ.
ಆದ್ದರಿಂದ ಅವುಗಳನ್ನು ರಕ್ಷಿಸಲು ಕಾನೂನುಗಳನ್ನು ಜಾರಿಗೆ ತರಬೇಕು.
ಅರಣ್ಯ ನಾಶವನ್ನು ತಡೆಯಲು ಕಠಿಣ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕು.
ಬೇಟೆಯನ್ನು ನಿಷೇಧಿಸಿ, ಬೇಟೆಗಾರರಿಗೆ ಶಿಕ್ಷೆ ವಿಧಿಸಬೇಕು.
ಪರಿಸರ ಮಾಲಿನ್ಯವನ್ನು ತಡೆಯಲು ಜಾಗೃತಿ ಮೂಡಿಸಬೇಕು.
ಸಾರ್ವಜನಿಕರು ಸಹ ಈ ಕಾರ್ಯದಲ್ಲಿ ಸಹಕರಿಸಬೇಕು.
ಅಳಿವಿನಂಚಿನಲ್ಲಿರುವ ಪ್ರಾಣಿಗಳನ್ನು ರಕ್ಷಿಸುವುದು ನಮ್ಮ ಕರ್ತವ್ಯ.
ಅವುಗಳ ಸಂರಕ್ಷಣೆಗಾಗಿ ಅಭಯಾರಣ್ಯಗಳನ್ನು ಸ್ಥಾಪಿಸಲಾಗಿದೆ.
ಅಲ್ಲಿ ಅವುಗಳಿಗೆ ಸುರಕ್ಷಿತ ವಾತಾವರಣವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ.
ಅಭಯಾರಣ್ಯಗಳಲ್ಲಿ ಪ್ರವಾಸಿಗರಿಗೆ ಪ್ರವೇಶ ನಿರ್ಬಂಧಿಸಲಾಗಿದೆ.
ಅಲ್ಲಿ ಅವುಗಳ ಸಂತಾನೋತ್ಪತ್ತಿಗೆ ಅನುಕೂಲ ಮಾಡಿಕೊಡಲಾಗಿದೆ.
ಅಳಿವಿನಂಚಿನಲ್ಲಿರುವ ಪ್ರಾಣಿಗಳ ಸಂಖ್ಯೆ ಹೆಚ್ಚಾಗುತ್ತಿದೆ.
ಇದು ಸಂತಸದ ವಿಷಯ. ಆದರೆ ಇನ್ನೂ ಹೆಚ್ಚಿನ ಪ್ರಯತ್ನ ಅಗತ್ಯ.
ಪ್ರತಿಯೊಬ್ಬರೂ ಪರಿಸರ ಸಂರಕ್ಷಣೆಯಲ್ಲಿ ಭಾಗವಹಿಸಬೇಕು.
ಮರಗಳನ್ನು ನೆಡಬೇಕು, ನೀರನ್ನು ಉಳಿಸಬೇಕು.
ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆಯನ್ನು ಕಡಿಮೆ ಮಾಡಬೇಕು.
ಇವೆಲ್ಲವೂ ಪರಿಸರ ಸಂರಕ್ಷಣೆಗೆ ಸಹಾಯಕವಾಗುತ್ತವೆ.
ಅಳಿವಿನಂಚಿನಲ್ಲಿರುವ ಪ್ರಾಣಿಗಳನ್ನು ರಕ್ಷಿಸಿ, ಪರಿಸರವನ್ನು ಉಳಿಸಿ.

5. ಪ್ರಬಂಧ ವಿಷಯ: ಕಾಲಕ್ಕೆ ತಕ್ಕಂತೆ ಬದಲಾಗುತ್ತಿರುವ ಶಿಕ್ಷಣ ಪದ್ಧತಿ

ಶಿಕ್ಷಣ ಪದ್ಧತಿಯು ಕಾಲಕ್ಕೆ ತಕ್ಕಂತೆ ಬದಲಾಗುತ್ತಿರುವುದು ಅತ್ಯಂತ ಸಂತೋಷದ ವಿಷಯ. ಹಿಂದಿನ ಕಾಲದಲ್ಲಿ ಗುರುಕುಲ ಪದ್ಧತಿಯಲ್ಲಿ ಶಿಕ್ಷಣ ನೀಡಲಾಗುತ್ತಿತ್ತು. ಅಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳು ಗುರುಗಳ ಮನೆಯಲ್ಲಿಯೇ ವಾಸಿಸಿ ವಿದ್ಯೆ ಕಲಿಯುತ್ತಿದ್ದರು. ಆಗ ಶಿಕ್ಷಣವು ಕೇವಲ ಪುಸ್ತಕದ ಜ್ಞಾನಕ್ಕೆ ಸೀಮಿತವಾಗಿರಲಿಲ್ಲ. ಜೀವನ ಕೌಶಲ್ಯಗಳನ್ನು ಸಹ ಕಲಿಸಲಾಗುತ್ತಿತ್ತು. ಆದರೆ ಇಂದಿನ ಶಿಕ್ಷಣ ಪದ್ಧತಿಯು ಸಂಪೂರ್ಣವಾಗಿ ಬದಲಾಗಿದೆ. ಇಂದು ಶಾಲೆಗಳು, ಕಾಲೇಜುಗಳು ಮತ್ತು ವಿಶ್ವವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಶಿಕ್ಷಣ ನೀಡಲಾಗುತ್ತಿದೆ. ಇಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳು ಪುಸ್ತಕದ ಜ್ಞಾನವನ್ನು ಮಾತ್ರ ಪಡೆಯುತ್ತಾರೆ. ಜೀವನ ಕೌಶಲ್ಯಗಳನ್ನು ಕಲಿಯುವುದಿಲ್ಲ. ಇದು ಒಂದು ದೊಡ್ಡ ಕೊರತೆ. ಆದ್ದರಿಂದ ಶಿಕ್ಷಣ ಪದ್ಧತಿಯಲ್ಲಿ ಬದಲಾವಣೆ ಅಗತ್ಯ.

ಇಂದಿನ ಶಿಕ್ಷಣ ಪದ್ಧತಿಯಲ್ಲಿ ಪರೀಕ್ಷೆಗಳಿಗೆ ಹೆಚ್ಚಿನ ಮಹತ್ವ ನೀಡಲಾಗಿದೆ. ವಿದ್ಯಾರ್ಥಿಗಳು ಅಂಕಗಳಿಗಾಗಿ ಓದುತ್ತಾರೆ. ಜ್ಞಾನಕ್ಕಾಗಿ ಓದುವುದಿಲ್ಲ. ಇದು ಸರಿಯಲ್ಲ. ಪರೀಕ್ಷೆಗಳು ಕೇವಲ ಒಂದು ಮಾಪನ ಮಾತ್ರ. ಅವು ಜೀವನದ ಗುರಿಯಲ್ಲ. ಆದರೆ ಇಂದು ಪರೀಕ್ಷೆಗಳೇ ಜೀವನದ ಗುರಿಯಾಗಿವೆ. ಇದು ವಿದ್ಯಾರ್ಥಿಗಳ ಮೇಲೆ ಒತ್ತಡವನ್ನು ಹೆಚ್ಚಿಸುತ್ತಿದೆ. ಅನೇಕ ವಿದ್ಯಾರ್ಥಿಗಳು ಪರೀಕ್ಷೆಯಲ್ಲಿ ಫೇಲಾದರೆ ಆತ್ಮಹತ್ಯೆಗೆ ಶರಣಾಗುತ್ತಾರೆ. ಇದು ಅತ್ಯಂತ ದುಃಖಕರ ಸಂಗತಿ. ಆದ್ದರಿಂದ ಪರೀಕ್ಷಾ ಪದ್ಧತಿಯಲ್ಲಿಯೂ ಬದಲಾವಣೆ ಅಗತ್ಯ.

ಶಿಕ್ಷಣ ಪದ್ಧತಿಯಲ್ಲಿ ಬದಲಾವಣೆ ತರಲು ಸರ್ಕಾರ ಹಲವು ಕ್ರಮಗಳನ್ನು ಕೈಗೊಂಡಿದೆ. ಹೊಸ ಶಿಕ್ಷಣ ನೀತಿಯನ್ನು ಜಾರಿಗೆ ತರಲಾಗಿದೆ. ಇದರಲ್ಲಿ ಪ್ರಾಯೋಗಿಕ ಶಿಕ್ಷಣಕ್ಕೆ ಹೆಚ್ಚಿನ ಒತ್ತು ನೀಡಲಾಗಿದೆ. ಕೌಶಲ್ಯಾಧಾರಿತ ಶಿಕ್ಷಣವನ್ನು ಪರಿಚಯಿಸಲಾಗಿದೆ. ಇದು ಒಳ್ಳೆಯ ಬೆಳವಣಿಗೆ. ಆದರೆ ಇದನ್ನು ಸಮರ್ಪಕವಾಗಿ ಜಾರಿಗೆ ತರಬೇಕು. ಶಿಕ್ಷಕರಿಗೆ ತರಬೇತಿ ನೀಡಬೇಕು. ಶಾಲೆಗಳಲ್ಲಿ ಮೂಲಸೌಕರ್ಯಗಳನ್ನು ಒದಗಿಸಬೇಕು. ಆಗ ಮಾತ್ರ ಶಿಕ್ಷಣ ಪದ್ಧತಿಯಲ್ಲಿ ನಿಜವಾದ ಬದಲಾವಣೆ ಸಾಧ್ಯ.

ಕೊನೆಯದಾಗಿ ಹೇಳುವುದಾದರೆ, ಶಿಕ್ಷಣ ಪದ್ಧತಿಯು ಕಾಲಕ್ಕೆ ತಕ್ಕಂತೆ ಬದಲಾಗಬೇಕು. ಆದರೆ ಬದಲಾವಣೆಯು ಸರಿಯಾದ ದಿಕ್ಕಿನಲ್ಲಿ ಇರಬೇಕು. ಕೇವಲ ಪುಸ್ತಕದ ಜ್ಞಾನಕ್ಕೆ ಸೀಮಿತವಾಗಿರಬಾರದು. ಜೀವನ ಕೌಶಲ್ಯಗಳನ್ನು ಕಲಿಸಬೇಕು. ಪರೀಕ್ಷೆಗಳಿಗೆ ಹೆಚ್ಚಿನ ಮಹತ್ವ ನೀಡಬಾರದು. ಆಗ ಮಾತ್ರ ಶಿಕ್ಷಣವು ನಿಜವಾದ ಅರ್ಥದಲ್ಲಿ ಸಾರ್ಥಕವಾಗುತ್ತದೆ.

(9) నంబర్ 1921/1

12-3-98

L.R 89-96-8

[illegible]

[illegible] 1898

[illegible]

By Order

Draft

C, 2.

for Secretary

No. 8/483/F.1120/12 11.3.98. 12

Copy of the above is for-

warded to the Commissioner

District for information.

By Order

for Secretary.

9/3/98

L.

8/3/98

(11) 1898

No. 2017

Name of Petitioner Hemmakka

Village Mc Hanimally

Taluk S

District S Canara

Date of Arzi 4-4-98

Date of Receipt 16-4-98

Date of Disposal

No. of Enclosure 3

1221 of 97 Cr. No. 84/83 P. 1126

Rem. 16/4/98 2256 of 97.

Rejected 16/4/98

(1) Application for second Review of Court order (Cr. No. 1221 of 8-3-98 being the order rejecting the application)

(2) Stamp Undervalued (Re-stamp the 5 Rs.)

15.4.98 (3) Court fee case

The petition might be returned for being insufficiently stamped but this is a second application for review of the order passed in criminal

There is no provision for such application in the Code of Criminal Procedure & all remedies in the matter of Rev. proceedings are governed by the New code & rules

The ordinary rule in these cases is to be rejected. The case having been disposed after full consideration no further representation will be allowed

Put to Rev Consideration

Rejected 16/4/98

Rec. 16.4.98 4 P.M.

ABSTRACT

With reference to Govt. Cert. No. 1221 of 8-3-98 rejecting the review application of the petitioner on the ground that the advocate has not shown grounds for admitting the same, the petitioner states that the respondent is not the legal claimant for the deceased, Alathee as he is not the son of Govt. Kanjee a deceased Beggi Hadiabe family, as observed by Govt. under the following circumstances

(1) That in the written Statement given by 2nd respondent in the Original Court he has confessed that he is the son of Inuddegaunda

(2) That in a deposition given by the 2nd respondent on solemn affirmation he has stated that he is the son of Gauè Kauga and,

(3) That in a counter appeal filed by the 2nd respondent before the Dep: Comr. he states that he is the son of Chika Kauga

that on three different occasions he has been naming three different persons as his father. that it is very essential to determine the exact person for arriving at a conclusion in this Case; that the 2nd respondent is not the son of Inuddegaunda since the said Inuddegaunda died impotent as can be perused from the genealogical tree attached to the Govt: order that the statement of the 2nd respondent that he is the son of Gauè Kauga is false, that Kadiru Saudar Hadeke Saunda witnesses on behalf of the appellant

appellant clearly state that
there was another Ranga son
of Gavi Ranga who also
died [illegible] that in 1864
Ranga son of Gavi Ranga
was said to be 25 years old
that therefore the age of the 2nd
respondent at the time of
filing this suit should be 60
years but he is only 40 years
old as can be observed from
the depositions given before
the solemn affirmation
that under the circumstances
the 2nd respondent is not the
son of Gavi Ranga & con-
sequently cannot claim
the [illegible] as a descendant
of Viraji Muddegauda &
that the respondent is the
son of one Chika Ranga
who has no connection
whatever with the family
which claims the affected
[illegible], that in the counter
appeal petition filed by the
2nd

Respondent before Dep: Comm^r
it is stated that he is the Son of
Chika Kangama, that in
the Khata also he is known as
the Son of Chika Kangama-
that the decision of Govt:
is opposed to the facts of the
Case & to Hindu Law-

that this miscarriage of
justice is ~~caused~~ chiefly
~~owing~~ due to the non consideration
of both oral & documentary
Evidence adduced by the
petitioner in the Case-
that, if the Govt: should deem
it proper, they may direct
the Dep: Comm^r to make
further Enquiry into the
matter & submit a fresh
report, ~~further~~ that the petitioner
is willing to submit to any
such order- that the 2nd
respondent has since died
Prays that the Patailee may
be conferred on the minors
to whose claims were not
considered at the time Enquiry
& that inasmuch as the

3/

the 2nd respondent also is dead the way is now made clear for the petitioner of the Potaille Lak to the minors for whom the petitioner is a Guardian

CA
13/4/98

Enclosures

1. copy of appeal petition presented by Mayor before the Hy: Commr: of Immigration
2. Copy of Jimmiak Mai application
3. Register Extract of Potails of Gulor baby Immigr Valuk
4. Govt: Encl: No: 1221 of 9-3-98
5. Copy of Govt: Pro: No: 3727-36/530 of 22-10-97.

2517

COURT FEE

TWO RUPEES

4 … 1-4-98 … Arunachalam

MYSORE … OFFICE
PETITION DEPARTMENT
REG. D. No. 2572 R
DATE 1-4-98

[illegible] 11. 4. 98

[illegible]

[illegible]

[illegible]

[illegible] 1896

97 [illegible] 104 [illegible]

[illegible] 1897 [illegible]

3727 — 34 [illegible]

[illegible] 350

[illegible]

4 [illegible] 3 [illegible] 529 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 2 [illegible]

[illegible] 2 [illegible]

[illegible]

[illegible]

2 [illegible]

[illegible]

2 2 2

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5

10 ...

...

11 ...

...

12 ...

4

Supreme Court of the United States
PETITION FOR WRIT OF CERTIORARI
FILED
DATE 22-4-98

Writ not received
dtd 28-4-98

Refle

27.4.98

L.R. 30-9-98.

(12)

1398

25-7-98 Subst to Rev Consider

& D from 16-4-98.

Rec'd
27/4/98

+ Cover rejected on 27.4.98

R.L. paper

3/5/98

Read today + put up.

Rec'd
9/5/98

Subd

(1) This is a third application for review of order (Encl No 2517 dated 5.5.98, the last) rejecting the previous application

(2) Unstamped.

Mlly
12/5/98

Return to endorsing

17/5/98

Dfl Encl + put up

Mlly
18/5/98

No. 2614

Name of Petitioner Linnamakka, guardian of Ranga Linnigappa, minor son of Linga

Village Hebbanahalli

Taluk

District Tumkur

Date of Arzi 20 . 4 . 98

Date of Receipt 22 . 4 . 98

Date of Disposal

No. of Enclosure Three

ABSTRACT

States that on 9-4-98 She submitted a petition to the Tahsildar of Hebbanahalli explaining the reasons why She applied for a review; that as promised in the said petn She now produces authenticated copies of extracts from the kandi and khata accounts of the said village for the 3 years 1876-77, 1884-85 and 1895-96 to prove that the respondent in question was the son of Linga Ranga and not Linnamakka Rangappa.

Prayo

Prays that these copies may be taken along with the papers relating to her petn by J. G. '98 and that the said petn might be disposed of.

Enclosures.

1) Extract from the Kénti Account of Stations & Calls for 1876-'77.
2) —— d —— for 1884-'85.
3) —— d —— for 1895-'96.

C&R.
23/4/98.

(13)

5-5-98

L.R. 89-96.

Rejd
18/7/98

2320 797 Rejees fwd up.

Hd. R
15/7/98
Subd
1/2 Rs stamp affixed - L.R 9-9-98

(2) This is the 3rd or 4th appn for review of G.O. No 3727-34 dt 22 Octr 97 Pet 530

Mdy
22/7/98 The grounds urged in this petn were all stated by the advocate for the petnr when the 1st review appln was heard & it was then held that as the pleadings in the lower courts did not refer to the points now raised they could not be considered

To D Commr for disposal of the petn grounds that 2nd depl is time
30/7/98

Hd S. 30 Dec
30/7/98

Despatched
3/8/98

(15) 1898

No. 89

Name of Petitioner Timmayya - petitioner (1) Ramjoodu (2) Timmayya (3) Subbaraya

Village Hattanahalli

Taluk Tumkur

District Tumkur

Date of Arzi 9-7-98.

Date of Receipt 11-7-98

Date of Disposal

No. of Enclosure 11

ABSTRACT

Third application for review of Govt. Order conveyed in Rev. Dis. 3727-34 dt 22-10-97 in the Petn of Hattanahalli Ryots Pet 530

The petitioners' argts:-

In the judgt pronounced by this Hon'ble Appellate Court in this matter it was mentioned that the 2nd respondent Ramjoodu is the son of Alike Ranjanna. The 2nd respondent has accordingly stated in his appeal petn filed in this Court. But the petitioner pointed out unintentionally that he has stated that he is the son of Pera Ranjanna - instead of Alike Ranjanna -

In the proceedings the petitioner in the Appellate Court the name of Alike Ranjanna was not brought. At the further stage of the

[illegible] deposited in the year [illegible]
[illegible] was passed out only [illegible] year [illegible]
[illegible] year that [illegible] Cargill had a son named
Cargill and that the said Cargill was 25 years
old in 1874 - would be evident. That [illegible]
that the 2d defendant is the son of one Cargill
of [illegible], deceased since about 5 years
[illegible] at the time the plaintiff's testator
in the original suit. The affidavit of the
2d defendant is the only evidence
[illegible] by him in opposition
[illegible] by the said testator.

Notwithstanding the said strongly presumed against
the statements of the affidavit, the 1st, defendant
and the 1st and 2d witnesses examined on their
behalf - that Cargill the testator after
Cargill died many years ago and that he is
[illegible]. The 2d, defendant has not in any
way rebutted this statement.

She has [illegible] certain certificates of
the Khasis of 1876-77, 1884-85 and 1895-96
to show [illegible] her statement in support
and the admission of the 2d defendant in cross-
[illegible] [illegible], [illegible] by him at the hearing
that the 2d defendant Cargill was not the
[illegible] family and that he is not [illegible]
Cargill - She has not been [illegible]
the above representation: Even she was
not able to produce the [illegible] by
Suit - The Khasis copies [illegible] after
the Court [illegible] and has not
[illegible] them with the [illegible] application.

The fact that [illegible] is the [illegible] of
the [illegible] and [illegible] that [illegible] [illegible]

Matter forwarded for the favour of my
being declared entitled to
the office of Postmaster

Residence Kangaroo Ste 2d Class
Office about 10 minutes
walk from Post Office
Rent £10 per annum
Lease 10 years
Salary £100 per annum

Office open 10 hours daily
Mail Coach arrives daily
Mail Coach departs daily
Telegraph Office in connection

Enclosures

(1) Copy application 9/2-6-96
(2) do Police Magistrate's Report 30-11-96
(3) Copy letter Postmaster Kangaroo Ste 10-7-
(4) do — do — do — 1884-85
(5) do — do — do — 1895-96
(6) Extract from Police Report (1884)
(7) Copy P.O. Guide Instruction No. 41 1896-97
(8) Copy — do — dated — do —
9. Copy Post Regn. 3207-84 / 536 9/22-10-97
10. Min Office Instr. No. 251 7/4-5-98
11 do — No. 221 9/7-5-98

BK
18/7/98

Pet 108 / (16) 5-8-98

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

R 89-96.

Sl 13

OFFICIAL MEMORANDUM.

The accompanying ~~Appeal~~ Petition
Registered No. 89 dated 9-7-98
received at the Dewan's Office from
Thimmakka of Hettanahalli
in the Tumkur Taluk, praying
for review of the Court order
regarding the Patēli of
Hettanahalli on the ground
that the 2nd defendant Ranga
is dead
is forwarded, together with its 11
enclosures to the Deputy
Commissioner of the Tumkur
Dt. for disposal

By order,

for Secretary.

BANGALORE,
4/8/1898

3/8/98

General Serial No. 30.

(17) 1897

DEPARTMENT
6 1898
OFFICE

From The Deputy Commr
Tumkur District.

To The Secretary to the
Govt of Mysore Revenue
Department Bangalore.

Dated 12th December 1897.

Despatched 13th

Received August 1898

Enclosures No. 12

General No. 133.
No.

His Highness Chief
Commissioner's Petition dated the
4th August 1898.

Petition for
Review of
19/8/98

Rd on 18-8-98
Ref-petsp

AK
19/8/98
Sent

LR 39-96-14

JE 22.8.98

The Dy Commr is informed
that first time declined
recommend the decree on the
ground urged by the plaintiffs that
the 2nd defendant was not
in the line of heirs at all
& that the object of forwarding
the petition is for disposal
review
on the other ground that
the 2nd deft is dead
If the 2nd deft died without heirs,
the plaintiffs would be entitled
to have their claims considered
by 2/8/98

Under the circumstances represented by the petitioner, I transmit the petition to Government, intimating that I should not recommend into the representations made in petition and record a finding thereon

Central Jail Press, Bangalore.—6-3-97.—10,002.

No 133
Re 12

Deputy Commissioner's Office
Jaffna District,
Dated, Jaffna, 5th August
1898.

No The Secretary to the Government
of Ceylon, General and Revenue
Department.

Sir,

In returning the petition
of Thiruvalkka of Vettimahadi
in the Jaffna Talk, with its enclosures
received for disposal with your
official minute No. 08 Pet dated 4th
instant, I have the honour to in-
- vite reference to Government Order
No. 3-2-34 / Pet 530 dated 22nd October
1894 directing me to dispose of the appeal of
Renger (2nd Defendant in Revenue
Case No. 8 of 1895-96 on the file of
the Extra Assistant Commissioner
of that District) Petitioner Thiruva-
-kka in the matter of the Plaintiff
in that case, the non-cultivation of
which case, to
prove that the 2nd Defendant

Ranga (since dead) was in no way connected with the family of Ellaji Muddegowda and that there was no one to represent the line of Chickanna (the 3rd son of the said Ellaji Muddegowda), his son Chikka Ranga (not Govi Ranga as entered in the Genealogical table) having died without heirs. This point is now put forward for the first time. I beg to be instructed whether, by transmitting Thimmakka's petition to me for disposal, the Government intend that I should hold an Enquiry into the new allegations made by her and record a finding thereon.

I have the honor to be
Sir
Your most obedient Servant

M Krishna Rao
Deputy Commissioner

(18) 1898

From
The Secretary to Govt
Land & Rev. Dept

To
The Deputy Commissioner
Lumbini Dt

LR 89-96-15 Dated 27th August/98
Despatched 27th "
Received
General No. 1555 P
P No. 155

Enclosure No.

The Dy Commr's letter No 133 dated 12th August 1898.

In returning the petition and the enclosures received with the above, I am directed to state that Govt have declined to reconsider the decision already passed on the ground urged by the Plaintiffs that the Second defendant was not in the line of heirs at all, and that the object of forwarding the above review application is for disposal by the Deputy

Deputy Commissioner
was on the above ground
that the 2nd Defendant
is dead and that a Vicarage has accrued
Defendant which without
hers the Plaintiffs would
be entitled to have their
claims considered

By order

for Secretary

26/8/86

Refile
9.1.99

89 - 98 Memo No 108 d/ 4/8/97

MGK
4/1/98 Refs put up

7/1/99

Stubd. The petn is unstamped but the petn sent to Govt for disposal was stamped
9.1.99

11/1/99

Repeat

Sub of 1st Commissioner

This is a third application for review of S.C. No 3727-34 / Pet-536 d 22/10/97

The 1st appln for review was heard by Mr Hayes. It was on behalf of the petrs. & was rejected. The 2nd appln was rejected.

The petrs. want to raise a question of fact in this appln where the lower Courts as well as

16/1/99

D.R. 89-96-16

155

(19) 1898

No. 096

Name of Petitioner Thimmakka Guardian of minor Rangegowda & two others

Village Kettanahalli

Taluk } Tumkur
District }

Date of Arzi 11 . 12 . 98

Date of Receipt 16 . 12 . 98

Date of Disposal

No. of Enclosure one

ABSTRACT

State that their petition to Govt. dated 9.7.98 was referred to the Dy. Commr. Tumkur for disposal; that they also represented their case to the above officer who has passed the following orders:-

"Two of your petitions submitted to Govt for reconsideration of the orders already passed regarding the patelship of Kettanahalli village were rejected & endorsement given to you - In spite of this

you submitted another petition
to Govt: on 9.7.98 which was referred
to this office for disposal & on
this a report was submitted to
Govt: in reply docket No: 1587/Pet:155
dated 27.8.98 has been received
from the Secretary stating that
it is mentioned in your petition
that the office has become
vacant by the death of the 2nd
respondent Rangama & that
consequently the petition was
sent to this office for disposal-
In the decision of Govt: No:
3727-34/Pet:530 dated 22.10.97, it is
directed that the Patta be registered
should be in the name of the
1st respondent & Kamma
till her death, & that on her
death Rangama the 2nd respondent
would be the Lukkan - In
pursuance of the said
decision the pattas registered
is in Akkamma's name -
She is still alive - the 2nd Respondent

Petn. 20:1094.

2/

GOVERNMENT OF MYSORE

Rangamma who had been
conducting the Patnika duty
for a long time died on 22.9.
By this the Gumastas place
has ~~fallen~~ fallen vacant
but not the office of Patnik-

On the death of Gumasta
Rangamma Regulations
Akkamma deposed that
Gumasta duties might be
taken from her son-in-law
(Ogeya) Guddaiya - This
appointment was sanctioned
& an order issued to the
said on 21.12.97-

"Under these circumstances
occasion
~~the petitioner~~ there is no
reason
to leave the office, ~~unless~~
or in your send names
in compliance with your
request."

State that the Petitioner

Rangama son of Chikka
Rangama who was a potail
Jumaala submitted a petition
to Govt: on 22·3·97 stating that he
was the Labour to the Office
obtained their Rank- this
is unjust & opposed to Law-

Rangama son of Javi
Rangama referred to in
the genealogical table of
the year Rakkasha died
about 25 years ago - He has no
issue - The 2nd No. Rangama
son of Chikka Rangama
does not at all belong to their
family - If the Govt: wish
to know if Rangama son of
Chikka Rangama who was
the Potail Jumaala is
identical with Rangama
son of Javi Rangama
referred to in the genealogical
table the matter might be
referred to the Commr for
Enquiry

3 Petn No: 1094.

Enquiry - Reg Lane Subdivision

All the inference is to be taken of their dispute with the petition dated 9.7.98.

To these matters were enquired into the finding of the Complaint would be established

Prays that order might be issued to the Surveyor for the rectification of the [redacted] that they might be furnished with an Endorsement

CR
27.12.98

1. Surveyor's Instr. No 5[redacted]

Rec'd 2.1.99

ملاحظہ ہو

Mohd. Iqbal Advocate
16. 12. 91

ملاحظہ ہو

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(21) 1899

From

The Secretary to Govt
Genl and Rev Depts

To

L.R. 89-96
117

The Dy Commissioner of
Tumkur Dy

Dated 23-1

Despatched 24 ~~25~~ Jany/99.

Received

General No. ~~4956~~ 4958

P.C. No. 77-98

Enclosure No. 2

With one enclosure

In forwarding herewith
petition No 1094 dated 11-12-98
received from Tirumakka
and another
guardian of Rangegowda
and ~~his~~ other minors of
Hellanahally in the
Tumkur Taluk, and
adverting to this office
letter No 1587 / P.155 dated 21st August
1898, has the honor to
request that he will be
so good as to state, whether
it, as alleged by petitioner
Rangegowda (the 2nd Defendant
in the Civil Court)
in the Revenue Appeals
No 4 of 1896-97 on the
file of the Dy Commissioner),

is dead, who are his heirs if any. The attention of the Govt is invited to para 6 of Govt Proceedings No. 3727-34 dated 22nd October 1897. P. 530

2. The petition and enclosure should be returned

By order

C.
14-1-99

Asst Secretary

20.1.99

REVENUE DEPARTMENT
GL. No. 6554
DR
CR No 40
DEMAND OFF

1898-99

(21)

From (The Deputy Commr
Trincomalee District

To (The Secretary to the
Board of Superintendence, Jaffna.
(Depy -

Dated 20th April 1899.

Despatched 21st April 1899.

Received

General No. 606.
No.

Enclosure No. two

Application 1955
dated 20th January 1899

Reporting on the
petition of Vinnimaddy
Guardian and mother
of Rengé guardian and
two other minors of a
Hettiarachchi of the
Trincomalee District

Mly
26.4.99

L.R. 89-96-18

Sent to 2nd Council

With Office note on Petn 2nd-1894.
dy 11-12-94 (11 19) continued L.R
27.4.99.

Rd 4 Pm
29.4.99

So far as I can
see there under
appeal by
Mr Nallamma is
the rightful
Ward of the
petitioners who
claims by
formal - &c
Her appeal
none else have
a locus standi
& must be
rejected with
costs.
Send the
appeal

MMS
30.4.99

Petn for draft
6/5/99
GL

Draft
6/5/99

Encls to petr returned
5/5/99
GL

Petn
24.4.99

Rec'd
25/4

D.J. 49 998 contains
the depn in question

AK
25/4/99

No 636
Rec: 2

Depal Commissioners office,
Jaffna District.

Jaffna 20th April 1899.

To.

The Secretary to the Government
of Ceylon, General and Revenue
Departments.

Sir,

With reference to your docket
dtd 17858 / 98 of the 23d January 1899 regarding
I beg to be informed whether Rangamma
who was by Proceedings vide Nos 3227-311 of
Petition 530
the 12th October 1897, declared to be eligible
to succeed to the office of Patchi of
Kettenkalli in the Jaffna Talak
after the demise of the present registered
holder Thiramma, do dead, I have
the honor to state that the said
Rangamma died on the 22d September
1897. The Petitioner, Thirumakka (widow
of Rangamma, father of the Plaintiffs)
urged her claim for the registry
of

of the Patelé office in her sons' names, but was informed that the Patelé Office had not become vacant by the death of the said Ranganna who was only a gumastha for Akkamma who is alive. On the death of gumastha Ranganna, Akkamma nominated her son-in-law Geddaiya as her gumastha and this nomination was approved. The claims of Petitioners' sons to succeed to the office in question can only be taken into consideration after Akkamma's death.

2. The enclosures of your docket under reply are herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant,

Narain Rao

Deputy Commissioner

(28)

Proceedings of the Court of Revenue

Read:-

LR 88-96

LR 19

Petition No. 1094 dated 11.12.98 presented by Timmakka, widow of Ranganna, of Hellenahally in the Sunkur Taluk, appealing against the order of the Deputy Commissioner, Tumkur Dt., declining to issue the patel's office of Hellenahally, registered in the name of her minor sons.

2. Read again

Court Proc. No. 3727-34/P. 530 dated 22.10.97, passed on the appeal of Ranganna (Ranga Sons of Gavi Ranga) regarding the Patel's of Hellenahalli and directing that the registry of the Patel's office should remain in the name of Mekanna, and that Ranganna (2nd Respt in the case) should be declared heir after her death.

3. Correspondence ending with letter No.

No. 636 dated 20-4-99, from the Dy Collr, Jhunjhunu Dt, reporting that the late Rangama (2nd Defdt and petrs husband) was only a guardian for Akkamma, & that one Guddaiya, son-in-law of Akkamma, has been appointed as guardian for Akkamma as desired by her after the death of Rangama and that the claims of petrs sons to succeed to the office in question can only be considered after Akkamma's death. P

Cordy Memo dt. 8147. of 8.5.99.
P. 867

Akkamma is the recognised patel and is performing the duties by a guardian. During her lifetime, none else has a locus standi and all claims in respect of the Office must be postponed till her death. The order appealed against is therefore correct and the appeal is rejected accordingly.

RBR. 8/5/99
for Secretary

To - The Dy Collr, Jhunjhunu Dt.

1094

8-5-97

(2[illegible])

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

5/5/19[illegible]